

AFFIDAVIT OF PHILIP J. THOMAS,
COUNSEL FOR DEFENDANT #7 ABDUL HALIM BERRO

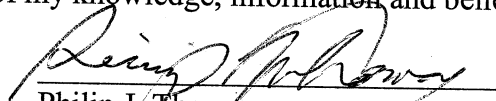
The undersigned states that if called as a witness in this matter, he will testify as follows:

- 1) He has represented Defendant #7 since late 2004.
- 2) In December 2004, he was contacted by the government.
- 3) During discussions with the government's counsel, the undersigned was informed that a new "global" plea offer was being extended to all twelve (12) defendants listed in the original indictment. The undersigned was informed that in order for any one defendant to accept the offer, all twelve (12) defendants would have to accept the offer.
- 4) Under the new plea offer, Defendant #7's low-end guidelines range went down from 33 months to 24 months.
- 5) Counsel for Defendant #7 was also informed that unless his client accepted the new offer, additional charges would be filed against him, and his "wife," Houda Berro, would be charged in a new superseding indictment.¹
- 6) Although Defendant #7 attempted to accept the offer as to himself, the government refused, since some of the other defendants did not accept the "global" offer.
- 7) When all twelve (12) defendants refused to accept the government's global plea offer, the First Superseding Indictment was issued.
- 8) The First Superseding Indictment added new charges and named more defendants, including Houda Berro (the mother of Defendant #7's children).

¹ Although the government apparently believed Defendant #15 Houda Berro is Defendant #7's wife, she is not. They have had children together, however they have never been legally married.

- 9) The undersigned was again contacted by counsel for the government, who informed him that although his client's guidelines remained the same as the government's prior calculations, the government had fashioned a new incentive for Defendant #7 to plead guilty. The new incentive was that if Defendant #7 accepted the plea agreement calling for a low-end guideline calculation of 33 months, the government would grant diversion to Defendant Houda Berro.
- 10) When Defendant #7 did not plead guilty, the offer of diversion for Defendant #15 Houda Berro was withdrawn.

The above information is true to the best of my knowledge, information and belief.


Philip J. Thomas

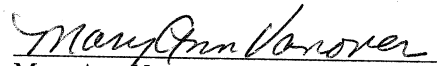
STATE OF MICHIGAN)

SS

COUNTY OF WAYNE)

The foregoing instrument was sworn to before me this 14th day of February 2006, by

Philip J. Thomas.


Mary Ann Vanover
Notary Public, Wayne County, MI
My commission expires: 04/20/08